

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 103

SENATE BILL 1242

AN ACT

AMENDING TITLE 13, CHAPTER 17, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1707; RELATING TO ARSON.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 17, Arizona Revised Statutes, is amended
3 by adding section 13-1707, to read:

4 13-1707. Emergency response and investigation costs; civil
5 liability; definitions

6 A. A PERSON WHO COMMITS AN ACT IN VIOLATION OF THIS CHAPTER THAT
7 RESULTS IN AN APPROPRIATE EMERGENCY RESPONSE OR INVESTIGATION AND WHO IS
8 CONVICTED OF THE VIOLATION MAY BE LIABLE FOR THE EXPENSES THAT ARE INCURRED
9 INCIDENT TO THE EMERGENCY RESPONSE AND THE INVESTIGATION OF THE COMMISSION
10 OF THE OFFENSE.

11 B. THE COURT MAY ASSESS AND COLLECT THE EXPENSES PRESCRIBED IN
12 SUBSECTION A. THE COURT SHALL STATE THE AMOUNT OF THESE EXPENSES AS A
13 SEPARATE ITEM IN ANY FINAL JUDGMENT, ORDER OR DECREE.

14 C. THE EXPENSES ARE A DEBT OF THE PERSON. THE PUBLIC AGENCY, FOR
15 PROFIT ENTITY OR NONPROFIT ENTITY THAT INCURRED THE EXPENSES MAY COLLECT THE
16 DEBT PROPORTIONALLY. THE LIABILITY THAT IS IMPOSED UNDER THIS SECTION IS IN
17 ADDITION TO AND NOT IN LIMITATION OF ANY OTHER LIABILITY THAT MAY BE
18 IMPOSED. IF A PERSON IS SUBJECT TO LIABILITY UNDER THIS SECTION AND IS
19 MARRIED, ONLY THE SEPARATE PROPERTY OF THE PERSON IS SUBJECT TO LIABILITY.

20 D. THERE SHALL BE NO DUTY UNDER A POLICY OF LIABILITY INSURANCE TO
21 DEFEND OR INDEMNIFY ANY PERSON FOUND LIABLE FOR ANY EXPENSES UNDER THIS
22 SECTION.

23 E. FOR THE PURPOSES OF THIS SECTION:

24 1. "EXPENSES" MEANS REASONABLE COSTS THAT ARE DIRECTLY INCURRED BY A
25 PUBLIC AGENCY, FOR PROFIT ENTITY OR NONPROFIT ENTITY THAT MAKES AN
26 APPROPRIATE EMERGENCY RESPONSE TO AN INCIDENT OR AN INVESTIGATION OF THE
27 COMMISSION OF THE OFFENSE, INCLUDING THE COSTS OF PROVIDING POLICE, FIRE
28 FIGHTING, RESCUE AND EMERGENCY MEDICAL SERVICES AT THE SCENE OF THE INCIDENT
29 AND THE SALARIES OF THE PERSONS WHO RESPOND TO THE INCIDENT BUT EXCLUDING
30 CHARGES ASSESSED BY AN AMBULANCE SERVICE THAT IS REGULATED PURSUANT TO TITLE
31 36, CHAPTER 21.1, ARTICLE 2.

32 2. "PUBLIC AGENCY" MEANS THIS STATE, ANY CITY, COUNTY, MUNICIPAL
33 CORPORATION OR DISTRICT, ANY ARIZONA FEDERALLY RECOGNIZED NATIVE AMERICAN
34 TRIBE OR ANY OTHER PUBLIC AUTHORITY THAT IS LOCATED IN WHOLE OR IN PART IN
35 THIS STATE AND THAT PROVIDES POLICE, FIRE FIGHTING, MEDICAL OR OTHER
36 EMERGENCY SERVICES.

APPROVED BY THE GOVERNOR APRIL 16, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2004.